

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHALUPOWSKI  
Plaintiff(s)

v.

CIVIL ACTION NO. 04-11277-GAO

BERRY  
Defendant(s)

**JUDGMENT IN A CIVIL CASE**

O'TOOLE, D.J.

**G** **Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X** **Decision by the Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

that defendant's motion to dismiss ( # 3) is GRANTED. No timely opposition to the motion having been received, after review of the motion and grounds presented, the motion to dismiss is granted substantially for the reasons argued by the defendant in the motion ( # 3). The action is dismissed with prejudice.

TONY ANASTAS,  
CLERK OF COURT

Dated: 9/10/04

By Paul S. Lyness  
Deputy Clerk

(Judgment Civil.wpd - 11/98)

[jgm.]